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NOTES OF CASES.

Injunction—Maintenance of Action at Law in Foreign State—*Pennsylvania Coal Co. v. Hurney*, 97 Atl. 736.—In the principal case it was laid down that where the defendant in a tort action in another state on a cause of action arising in Pennsylvania holds property and transacts business in the other state, and the jurisdiction over the subject-matter of the suit in the other state is admitted, and there is no evidence of fraud, embarrassment or oppression, the maintenance of the tort action will not be enjoined. The opinion concludes:

"The appellant testified that, while he had lived for some years within the State of Pennsylvania, in the county where his injuries were incurred, and owned a home there, yet he brought his action in New York because he had decided to remove himself and family to that state; that he wanted his children to be kept away from the mines where he was hurt and thought his wife could more readily obtain work in the City of New York and thus help support their family; moreover, he said that he had cousins living in that place, and was informed he could get better treatment for his eyes there.

After consideration of the evidence and the findings of the learned chancellor we do not discover anything upon the record which would justify the conclusion that the appellant instituted his action in the State of New York instead of Pennsylvania in order to evade our laws or that trial of the case in the jurisdiction chosen by him will to any degree bring about that result; in other words, we see nothing which entitled the appellee to the extraordinary relief granted by the court below. The decree is reversed and the preliminary injunction is dissolved."

Interstate Commerce—Federal Employers' Liability—Hours of Labor Act—*St. Joseph, etc., R. Co. v. United States*, C. C. A. 8th Ct., 232 Fed. 349.—In the principal case it was laid down by the federal circuit court that a train composed of cars loaded with material to repair the roadbed, which originated in another state and had arrived in the state in which it was to be used, but had not yet arrived at its destination, was still in "interstate commerce," and the employees thereon governed by the Federal Hours of Service Act.

It was held that where a fireman on such a train after it was run onto a siding was required to keep watch of the engine and keep up steam therein until more than sixteen hours after he began work, the Hours of Service Act was violated. The court said:

"The contention of the defendant is that the act of Congress does not apply to an employee on a work train, operated wholly within one state, although the train was brought from another state and the material transported was intended for use on the roadbed of the